

DISTRICT COURTS OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

FILED

OCT - 4 2004

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

MAURICE K. MATTHEWS, JR.
USP ALLENWOOD #11046-007
P.O. BOX 3000
WHITE DEER, PA 17887
PLAINTIFF

V.

UNITED STATES DEPARTMENT OF JUSTICE
EOUSA/FOIA/PA UNIT, ETC.
600 E STREET N.W. RM 7300
WASHINGTON, D.C. 20530
DEFENDANT

Civil Actions No:

CASE NUMBER 1:04CV01689

JUDGE: Rosemary M. Collyer

DECK TYPE: FOIA/Privacy Act

DATE STAMP: 10/04/2004

COMPLAINT FOR DECLARATORY AND INJUSTICE RELIEF

1. This is an action under the Freedom of Information Act ("FOIA"),
5 U.S.C. § 552, as amended, to order the production of agency records,
consisting of a copy of the transcriptual record in Maurice K. Matthews,
Jr. v. United States, F-11062-91 & F-4386-92 (D.C. Superior Court)
for the following dates August 31, 1992, September 1, 1992,
September 2, 1992, September 3, 1992 and September 4, 1992.

2. This court has jurisdiction over this action pursuant to 5 U.S.C.
§ 552 (a) (4) (b)

3. Plaintiff Maurice K. Matthews, Jr. is the requestor of the
withheld records.

4. Defendant Executive Office of United States Attorneys is an
agency of the United States, and it has possession of and control
over the records that plaintiff seeks.

5. By letter dated July 9, 2004, to the Freedom of Information staff of the E.O.U.S.A., plaintiff requested a copy of the transcriptual record in Maurice K. Matthews, Jr. v. United States, F-11062-91 & F-4386-92 (D.C. Superior Courts) for the following dates: August 31, 1992, September 1, 1992, September 2, 1992, September 3, 1992, and September 4, 1992 (Plaintiff's Exhibit 1 hereto)

6. Over ten working days have passed since the E.O.U.S.A. received plaintiff's letter, and he has received no written response to his request.

7. Plaintiff has a statutory right to the records that he seeks and there is no legal basis for defendant's delay and refusal to disclose them to him.

Wherefore, plaintiff prays that this court:

(1) Declare that defendant's delay and refusal to disclose the records requested by plaintiff is unlawful;

(2) Order defendant to make the requested records available to plaintiff;

(3) Award plaintiff the cost of this action and reasonable attorney's fee;

(4) Grant such other and further relief as the court may deem just and proper,

DATE: August 22, 2004

BY: Maurice K. Matthews, Jr.

Maurice K. Matthews, Jr.
11046-007
USP Allenwood
P.O. Box 3000
White Deer, PA 17887

I declare under penalty of perjury that the foregoing is true and correct.


Signature

Certificate of Service

I hereby certify that the original and two (2) copies of the foregoing along with summons were mailed first class, postage prepaid this 22nd day of August, 2004, to: United States District Court for the District of Columbia, 333 Constitution Avenue N.W. Washington, D.C. 20001


Signature